

IC 3-11-1.5

Chapter 1.5. Precincts

IC 3-11-1.5-1

"Establishing a precinct" defined

Sec. 1. As used in this chapter, "establishing a precinct" includes the following:

- (1) Dividing one (1) precinct into two (2) or more precincts.
- (2) Combining two (2) or more precincts into one (1) precinct.
- (3) Altering a boundary line dividing two (2) or more precincts.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-1.5

"GIS" defined

Sec. 1.5. As used in this chapter, "GIS" refers to the geographic information system maintained by the office under IC 2-5-1.1-12.2.

As added by P.L.212-2001, SEC.10. Amended by P.L.1-2002, SEC.8.

IC 3-11-1.5-2

Establishment by county executive

Sec. 2. Each county executive shall establish precincts in the incorporated and unincorporated areas of the county in the manner described in this chapter.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-3

Number of voters per precinct

Sec. 3. (a) Except as provided in:

- (1) subsection (b);
- (2) subsection (c);
- (3) section 3.2 of this chapter; or
- (4) section 3.5 of this chapter;

a county executive shall establish precincts so that a precinct contains no more than one thousand two hundred (1,200) active voters.

(b) This subsection applies to a precinct that includes:

- (1) an entire township, but does not cross a township boundary in violation of section 4 of this chapter;
- (2) an entire city legislative body district, but does not cross the boundary of a city legislative body district;
- (3) an entire town legislative body district, but does not cross the boundary of a town legislative body district; or
- (4) one (1) residential structure containing more than one thousand two hundred (1,200) active voters and no other residential structure containing voters.

In changing precincts or establishing new precincts, a county executive shall arrange a precinct so that it will contain no more than one thousand five hundred (1,500) active voters.

(c) A county executive is not required to establish precincts so that a precinct contains not more than one thousand two hundred (1,200) active voters if the precinct:

- (1) was established by the county executive in compliance with subsection (a) within the preceding forty-eight (48) months; and
- (2) contains not more than one thousand four hundred (1,400) active voters.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1989, SEC.8; P.L.8-1990, SEC.1; P.L.7-1990, SEC.36; P.L.19-1993, SEC.1; P.L.12-1995, SEC.71; P.L.4-1996, SEC.59.

IC 3-11-1.5-3.2

Petition for waiver of limitation on number of voters; expiration

Sec. 3.2. (a) A county executive may file a petition with the election division requesting the commission to waive the requirements imposed by section 3 of this chapter. The petition must:

- (1) identify each precinct to be subject to the waiver;
- (2) state the number of voters that would be included in each precinct described in subdivision (1) if the waiver is granted; and
- (3) state the reasons why the waiver should be granted.

(b) If the commission determines that compliance with the requirements of section 3 of this chapter would result in unnecessary expense and inconvenience for the county, the commission may grant a waiver exempting some or all of the precincts identified in the petition from section 3 of this chapter.

(c) A waiver granted for a precinct under this section expires when the county executive submits a subsequent proposed precinct establishment order for that precinct.

As added by P.L.8-1990, SEC.2. Amended by P.L.2-1996, SEC.126; P.L.3-1997, SEC.241.

IC 3-11-1.5-3.5

Precincts within campuses of universities

Sec. 3.5. (a) This section does not apply to a precinct located in a county having a consolidated city.

(b) This section applies to a precinct:

- (1) that is located wholly or partially within the campus of:
 - (A) Ball State University;
 - (B) Indiana State University;
 - (C) Indiana University;
 - (D) Purdue University;
 - (E) The University of Evansville;
 - (F) The University of Southern Indiana; or
 - (G) Vincennes University;

with more full-time students enrolled at that campus than are enrolled at any other campus of that university; or

- (2) that contains a structure owned by a university described in subdivision (1) that houses more than one hundred (100) students of the university.

(c) A county executive may establish a precinct subject to this section without regard to the number of registered voters permitted under section 3 of this chapter if less than forty percent (40%) of the active voters entitled to vote in the precinct voted in the last primary election.

As added by P.L.5-1989, SEC.43. Amended by P.L.12-1995, SEC.72; P.L.38-1999, SEC.34.

IC 3-11-1.5-4

Boundaries; arrangement to prevent crossing other boundaries

Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of:

- (1) the state;
- (2) a county;
- (3) a township;
- (4) a district of the House of Representatives of the Congress of the United States;
- (5) a district of the senate of the general assembly; or
- (6) a district of the house of representatives of the general assembly.

As added by P.L.13-1988, SEC.1. Amended by P.L.126-2002, SEC.36.

IC 3-11-1.5-5

Boundaries; arrangement to follow other boundaries

Sec. 5. A county executive shall establish precincts so that each boundary of each precinct follows:

- (1) a boundary described in section 4 of this chapter;
- (2) a boundary of a city or town;
- (3) a boundary of a town legislative body district;
- (4) a boundary of a census block established by the Bureau of the Census and depicted in the GIS; or
- (5) a boundary of a school corporation that does not follow a census block line.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1993, SEC.111; P.L.2-1996, SEC.127; P.L.3-1997, SEC.242; P.L.212-2001, SEC.11; P.L.126-2002, SEC.37.

IC 3-11-1.5-6

Territory not included in established precincts; inclusion in contiguous precinct

Sec. 6. If any territory in any county is not included in one (1) of the precincts established by the county executive under this chapter, that territory is included within the precinct that:

- (1) is contiguous to that territory; and
- (2) contains the least number of registered voters according to the precinct registration record maintained by the circuit court clerk or the board of registration on the date of the most recent general election.

As added by P.L.13-1988, SEC.1. Amended by P.L.7-1990, SEC.37.

IC 3-11-1.5-7

Territory included in more than one established precinct

Sec. 7. If any territory in any county is included in more than one (1) of the precincts established by the county executive under this chapter, that territory is included within the precinct that:

- (1) is one (1) of the precincts in which that territory is described in the orders issued by the county executive under this chapter;
- (2) is contiguous to that territory; and
- (3) contains the least number of registered voters according to the precinct registration record maintained by the circuit court clerk or the board of registration as of the date of the most recent general election.

As added by P.L.13-1988, SEC.1. Amended by P.L.7-1990, SEC.38.

IC 3-11-1.5-8

Division of territory not included in established district or included in more than one established district

Sec. 8. If assigning territory to a precinct under sections 6 through 7 of this chapter would create a precinct that includes territory of more than one (1) of the entities listed in section 4 of this chapter, the territory shall be divided along the boundary of the entities and each part of the territory assigned to a separate precinct in accordance with sections 6 through 7 of this chapter.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-9

Visible feature boundaries

Sec. 9. If a county executive cannot establish a precinct that complies with section 3 of this chapter by using the boundaries permitted under section 5 of this chapter, a county executive may:

- (1) establish the precinct by using a boundary following a visible feature, including a highway, railroad, or stream, and an extension of that visible feature if the extension does not cross a visible feature or another extension; or
- (2) request an exemption under section 20.5 of this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.44.

IC 3-11-1.5-10

Boundaries crossing entity boundaries; population

Sec. 10. A county executive may establish a precinct that does not comply with section 4 of this chapter if the part of the precinct that crosses the boundary of the entity contains no population. However, if the part of the precinct that crosses the boundary of the entity obtains population, the county executive shall establish a precinct that complies with section 4 of this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.45.

IC 3-11-1.5-10.5

Incorrect census boundaries; precinct boundaries following corrected boundaries

Sec. 10.5. (a) This section applies when the office determines that a boundary depicted on a census block boundary map prepared by the United States Bureau of the Census is in error.

(b) The commission may approve a precinct boundary under this chapter that follows a corrected boundary as determined by the

commission. The election division shall record this approval in the minutes of the commission.

(c) The office shall annotate the corrected boundary in the GIS.
As added by P.L.3-1997, SEC.243. Amended by P.L.212-2001, SEC.12.

IC 3-11-1.5-11

Primary, general, and municipal elections; consistent boundaries

Sec. 11. The precincts established for a general or municipal election must be the same as the precincts established for the preceding primary election, except as provided in section 12 of this chapter.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-12

Voting machines; ballot cards, or electronic voting systems; adoption where not previously used; establishment of precincts

Sec. 12. If a county executive adopts the use of voting machines, ballot card voting systems, or electronic voting systems in a county in which voting machines, ballot card voting systems, or electronic voting systems have not been previously used, the county executive may establish precincts after primary election day and before August 1 by combining two (2) or more precincts into one (1) precinct.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-13

Repealed

(Repealed by P.L.3-1993, SEC.282.)

IC 3-11-1.5-14

Proposed precinct establishment orders

Sec. 14. A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.38.

IC 3-11-1.5-15

Proposed precinct establishment orders; contents

Sec. 15. The order described in section 14 of this chapter must include the following:

- (1) A map of each precinct to be established by the proposed order. A county may submit maps required by this subdivision in electronic form.
- (2) A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
- (3) An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the circuit court clerk or board of registration.
- (4) A statement designating a polling place for the precinct that complies with the polling place accessibility requirements

adopted by the commission.

(5) Any additional information required by rules adopted by the commission under IC 4-22-2.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1993, SEC.112; P.L.12-1995, SEC.73; P.L.2-1996, SEC.128; P.L.212-2001, SEC.13.

IC 3-11-1.5-16

Proposed precinct establishment orders; precinct boundaries following boundaries of other entities

Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds that identifies the visible feature that forms the boundary.

As added by P.L.13-1988, SEC.1. Amended by P.L.11-1989, SEC.1.

IC 3-11-1.5-17

Review and examination of proposed order

Sec. 17. (a) The election division shall send a copy of a precinct establishment order:

(1) submitted under section 14 or 30 of this chapter; or

(2) resubmitted under section 20 of this chapter;

to the office for comment.

(b) The office shall review the order and may make any technical comments the office considers appropriate.

(c) The co-directors or an employee designated by the co-directors shall examine:

(1) the proposed precinct establishment order; and

(2) the comments of the office;

to determine if the order would establish precincts in compliance with this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.39; P.L.212-2001, SEC.14.

IC 3-11-1.5-18

Proposed precinct establishment order; compliance

Sec. 18. If the co-directors or designated employee determines that the proposed precinct establishment order would comply with this chapter, the co-directors shall advise the county executive that the co-directors will recommend that the commission approve the proposed order based on the order's compliance with the standards set forth in this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.40; P.L.3-1997, SEC.244.

IC 3-11-1.5-19

Proposed precinct establishment order; noncompliance

Sec. 19. If the co-directors or designated employee determines that the proposed precinct establishment order would not comply with this chapter, the co-directors shall advise the county executive specifically how the order would not comply with this chapter. If the co-directors determine that the noncompliance would result from a technical error in a map or legal description included in the proposed order, the co-directors may suggest specific amendments to the map or legal description in the letter accompanying the proposed order.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.41; P.L.3-1997, SEC.245.

IC 3-11-1.5-20

Amendments to proposed order

Sec. 20. If a county executive is advised that a proposed precinct establishment order does not comply with this chapter, the county executive may:

- (1) amend the proposed order so that the precincts may be established in compliance with this chapter; or
- (2) request an exemption under section 20.5 of this chapter;

and resubmit the proposed order to the co-directors.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.46; P.L.3-1993, SEC.113; P.L.8-1995, SEC.42; P.L.3-1997, SEC.246.

IC 3-11-1.5-20.5

Exemption from precinct boundary requirements

Sec. 20.5. (a) This section applies when:

- (1) a county executive is advised that a proposed precinct establishment order does not comply with this chapter; and
- (2) the county executive determines that the noncompliance cannot be corrected by the establishment of a precinct that complies with both:

- (A) the maximum voter requirement of section 3 of this chapter; and
- (B) the precinct boundary requirements of section 5 of this chapter.

(b) The county executive may request the commission to grant an exemption from the precinct boundary requirements of section 5 of this chapter to establish a precinct boundary described by this section.

(c) The commission shall conduct a hearing on the exemption request. If the commission determines that the noncompliance cannot be corrected by the establishment of a precinct that complies with both:

- (1) the maximum voter requirement of section 3 of this chapter; and
- (2) the precinct boundary requirements of section 5 of this chapter;

the commission shall grant the exemption. However, the commission

may not grant an exemption that violates section 4(1), 4(5), 4(6), or 4(7) of this chapter.

(d) If the commission grants the exemption, the county executive shall amend the proposed precinct establishment order described by section 19 of this chapter to establish precinct boundaries:

- (1) in accordance with the exemption granted by the commission; and
- (2) that comply with all other requirements established by this chapter.

(e) The proposed precinct establishment order described in subsection (d) must include a description in metes and bounds of the boundaries authorized by the exemption granted under this section.

As added by P.L.5-1989, SEC.47. Amended by P.L.8-1995, SEC.43; P.L.3-1997, SEC.247; P.L.212-2001, SEC.15.

IC 3-11-1.5-21

Resubmission of orders

Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission. The hearing shall be conducted in accordance with IC 4-21.5.

(b) If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.44; P.L.3-1997, SEC.248.

IC 3-11-1.5-22

Issuance of order by county executive

Sec. 22. When a county executive receives a proposed order approved by the commission under this chapter, the county executive may issue the order.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.249.

IC 3-11-1.5-23

Filing of orders

Sec. 23. (a) The county executive shall file a copy of the order issued under section 22 of this chapter with the co-directors not later than seven (7) days after its issuance.

(b) The co-directors shall send a copy of the order to the office not later than seven (7) days after the co-directors receive the order.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.45; P.L.212-2001, SEC.16.

IC 3-11-1.5-24

Effective date of orders; notice

Sec. 24. (a) The precinct establishment order becomes effective on the first date permitted under section 25 of this chapter.

(b) The office shall notify the co-directors of the date the new

precinct boundaries were entered into the GIS not later than seven (7) days after the new precinct boundaries are entered into the GIS.

As added by P.L.13-1988, SEC.1. Amended by P.L.2-1996, SEC.129; P.L.3-1997, SEC.250; P.L.212-2001, SEC.17.

IC 3-11-1.5-25

Effective date of orders; restricted periods

Sec. 25. A precinct establishment order may not become effective during the following periods:

(1) In a year in which a general election is held, the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.

(2) For precincts located wholly or partially within a municipality, after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.251; P.L.212-2001, SEC.18.

IC 3-11-1.5-26

Notice of approval

Sec. 26. The co-directors shall promptly notify the county executive of:

(1) the approval of a precinct establishment order by the commission; and

(2) the date the order becomes effective.

The co-directors shall provide one (1) copy of the approved order to the county executive.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.46.

IC 3-11-1.5-27

Publication of notice of approval

Sec. 27. Not later than fourteen (14) days following notice of final approval of a precinct establishment order under this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.252.

IC 3-11-1.5-28

Published notice; contents

Sec. 28. The notice published under section 27 of this chapter must include the following:

(1) A list of the precincts established by the order and the polling places designated for the precincts.

(2) The date the order was issued by the county executive.

(3) The date the order was approved by the commission.

(4) The effective date of the order.

(5) A statement that the maps, legal descriptions, and estimated voter population of the established precincts are on file for public inspection in:

(A) the office of the county auditor; or

(B) in a county with a consolidated city, in the office of the board of registration.

As added by P.L.13-1988, SEC.1. Amended by P.L.10-1992, SEC.21; P.L.12-1995, SEC.74; P.L.2-1996, SEC.130.

IC 3-11-1.5-29

Filing of order and notice

Sec. 29. The county executive shall file:

- (1) one (1) copy of the order approved under section 26 of this chapter with the circuit court clerk or board of registration; and
- (2) one (1) copy of the notice published under section 27 of this chapter with the co-directors;

no later than forty-five (45) days after the notice is published under section 27 of this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.47.

IC 3-11-1.5-30

Repealed

(Repealed by P.L.126-2002, SEC.92.)

IC 3-11-1.5-31

Orders; approval by commission; effective January 31

Sec. 31. After the co-directors have reviewed the proposed precinct establishment order, and the order has been revised, if necessary, to comply with this chapter, the commission shall:

- (1) approve a proposed precinct establishment order under this section no later than the following January 31; and
- (2) order that the precinct establishment order takes effect January 31 of the year in which the municipal election will be held.

As added by P.L.13-1988, SEC.1. Amended by P.L.1-1990, SEC.7; P.L.8-1992, SEC.14; P.L.8-1995, SEC.49; P.L.3-1997, SEC.254; P.L.126-2002, SEC.38.

IC 3-11-1.5-32

Municipalities; change of district boundaries; exception

Sec. 32. The legislative body of a municipality may not change the boundary of a district established under:

- (1) IC 36-3-4-3;
- (2) IC 36-4-6-3;
- (3) IC 36-4-6-4;
- (4) IC 36-4-6-5;
- (5) IC 36-5-1-10.1;
- (6) IC 36-5-2-4.1; or
- (7) IC 36-5-2-4.2;

after November 8 of the year preceding the year in which a municipal election is to be held and before the day following the date on which the municipal election is held except to assign territory to a municipal legislative body district in an annexation ordinance.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.48; P.L.7-1990, SEC.39.

IC 3-11-1.5-32.5

Townships in counties containing a consolidated city; changes in boundaries of legislative body districts

Sec. 32.5. (a) This section applies to townships in a county containing a consolidated city.

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

As added by P.L.6-1994, SEC.1. Amended by P.L.170-2002, SEC.8.

IC 3-11-1.5-33

Municipalities; extended boundaries

Sec. 33. If the boundaries of a municipality are extended before:

- (1) thirty (30) days before a municipal primary election; or
- (2) thirty (30) days before a municipal election;

and the territory within those boundaries has not been included in precincts wholly within the municipality, the voters within the extended boundaries may vote, if otherwise qualified, in the municipal primary election or municipal election. The voters may vote in the precinct in which they have their residence as if the precinct had been established to include them in a precinct wholly within the municipality. These votes shall be counted and included in the canvass of the votes cast in the municipal primary election or municipal election.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1992, SEC.15.

IC 3-11-1.5-34

Renaming or renumbering precincts

Sec. 34. (a) A county executive may issue an order to rename or renumber precincts without establishing new precinct boundaries. An order issued under this section becomes effective when it is filed with the co-directors.

(b) The co-directors shall send a copy of the order to the office.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.50; P.L.212-2001, SEC.19.

IC 3-11-1.5-35

Application of section; precinct establishment order issued by commission

Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section 4(5), 4(6), or 4(7) of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section 4(5), 4(6), and 4(7) of this chapter by the January 31 following the last effective date described in section 25(2) of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

(c) An order issued by the commission under this section must

comply with section 4(5), 4(6), and 4(7) of this chapter.

(d) The co-directors shall send a copy of the commission's order to the office.

As added by P.L.8-1992, SEC.16. Amended by P.L.2-1996, SEC.131; P.L.1-1999, SEC.1; P.L.212-2001, SEC.20; P.L.37-2002, SEC.14.

IC 3-11-1.5-36

Delegation of responsibilities of county executive

Sec. 36. The county executive may adopt an order to delegate some or all of the county executive's responsibilities under this chapter to the county election board. The order may not take effect until a copy of the order has been filed with the election division.

As added by P.L.3-1993, SEC.114. Amended by P.L.2-1996, SEC.132; P.L.3-1997, SEC.255.

IC 3-11-1.5-37

Notice of errors in precinct boundaries in GIS

Sec. 37. (a) The co-directors shall notify the office of any errors found in the precinct boundaries depicted in the GIS.

(b) The office and the co-directors shall cooperate to resolve any errors found in the GIS.

As added by P.L.212-2001, SEC.21.